

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:09-CR-144-1-F  
No. 5:12-CV-222-F

RAMDU RASHAHAN HESTER, )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )

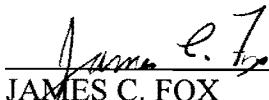
O R D E R

Having conducted an examination of petitioner's motion [DE-35] pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

The court notes that this motion was filed by counsel appointed pursuant to Standing Order No.11-SO-3 (E.D.N.C. Oct. 18, 2011), as it raises issues under United States v. Simmons, 649 F.3d 237 (4<sup>th</sup> Cir. 2011).

SO ORDERED.

This, the 25th day of April, 2012.

  
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JAMES C. FOX  
Senior United States District Judge